

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 CHAD STANBRO,

PLAINTIFF,

5 -against-

Case No.:
19-CV-10857

6 WESTCHESTER COUNTY HEALTH CORPORATION,
7 WESTCHESTER MEDICAL CENTER, FRANK WEBER,
8 AND JOHN FULL,

9 DEFENDANTS.

10 CHAD STANBRO,

PLAINTIFF,

11 -against-

Case No.:
20-cv-01591

12 C.O. NADYA PALOU, C.O. RAYMOND DEAL, C.O.
13 KRISTOPHER LEONARDO, C.O. RICHARD LANDRY,
14 CORRECTION NURSE GARY PAGLIARO, AND
15 CORRECTION SERGEANT ENRIQUE TORRES,
16 DEFENDANTS.

17
18 DATE: March 4, 2021

19 TIME: 2:45 P.M.

20
21 DEPOSITION of the Defendant,
22 ENRIQUE TORRES, taken by the respective
23 parties, pursuant to an Order and to the
24 Federal Rules of Civil Procedure, held via
25 videoconference, before Victoria Chumas, a
Notary Public of the State of New York.

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2 A P P E A R A N C E S:
3

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* * *

F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

1 E. TORRES

2 E N R I Q U E T O R R E S, called as a
3 witness, having been first duly sworn by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. SIVIN:

8 (Whereupon, PDF documents were
9 deemed marked as Plaintiff's Exhibit
10 30-33 for identification as of this
11 date by the Reporter.)

12 Q. Please state your name for the
13 record.

14 A. Enrique Torres.

15 Q. What is your address?

16 A. 18 Strack Drive, Beacon, New
17 York 12508.

18 Q. Is it Sergeant?

19 A. Correct.

20 Q. Good afternoon, Sergeant. My
21 name is Edward Sivin. I represent the
22 plaintiff, Char Stanbro. I'm going to ask
23 you some questions relating to an incident
24 that took place at Westchester Medical
25 Center and Fishkill Correctional on August

1 E. TORRES

2 31, 2018. If for any reason you don't
3 understand the question or a question is
4 not clear to you, don't answer it. Ask me
5 to repeat it or rephrase it and I will do
6 so, okay?

7 A. Okay.

8 Q. Please make sure also that all
9 of your answers are verbal because the
10 stenographer can't take down hand gestures
11 or head gestures, okay?

12 A. Okay.

13 Q. Are you currently a Sergeant at
14 Fishkill Correctional Facility?

15 A. Yes.

16 Q. How long have you worked at
17 Fishkill?

18 A. I have been at Fishkill since
19 July 2018 as a supervisor.

20 Q. Were you at Fishkill before
21 July of 2018 in some other capacity?

22 A. Yes.

23 Q. For how long -- when did you
24 first start working at Fishkill?

25 A. I first started working at

1 E. TORRES

2 Fishkill in 1999 when I came on the job.

3 Q. Okay. So actually, let's
4 backtrack. Did you graduate the academy in
5 about 1999?

6 A. Yes.

7 Q. Take me through the various
8 assignments, various facilities you were
9 at, from 1999 until the present, and the
10 general timeframes as well.

11 A. Okay. From 1999, I did
12 approximately nine years in Fishkill
13 Correctional as an officer. After that, I
14 transferred to Mid-Orange Correctional
15 Facility in Warwick, New York where I was
16 there for approximately three years. They
17 closed the facility, and I was -- I
18 transferred to Eastern Correctional
19 Facility in Napanoch, New York after that
20 and did about seven years at Eastern
21 Correctional and was promoted to Sergeant
22 that year, 2018, and was promoted to Greene
23 Correctional Facility where I was there for
24 approximately a month and a half, and was
25 transferred to Fishkill.

1 E. TORRES

2 A. Correct.

3 Q. Did he move any other portion
4 of his body at the time you had that
5 conversation with him when he was
6 complaining about his neck?

7 A. I don't remember.

8 Q. What area of the bench seat was
9 he seated on? Was it towards the side of
10 the van that you were standing, the
11 opposite side, the middle, or something
12 else?

13 A. Towards the side of the van
14 where I was standing.

15 Q. What happened after Mr. Stanbro
16 mentioned something about his neck? What
17 is the next thing that happened?

18 A. I directed one of the officers
19 to get medical, a nurse or medical staff to
20 the area right away.

21 Q. Now. Was Palou still around
22 that area at that time that you had that
23 conversation with Mr. Stanbro?

24 A. I don't remember.

25 Q. Who was the officer that you

1 E. TORRES

2 directed to get medical attention?

3 A. I can't remember the officer's
4 name.

5 Q. Was it Dickinson?

6 A. I don't remember. I don't
7 remember which officer I directed to get
8 medical, I don't.

9 Q. Okay. What happened after you
10 directed that officer to get medical
11 attention for Mr. Stanbro?

12 A. The officer returned with the
13 nurse, Nurse Pagliaro, who came out with a
14 wheelchair and approached the area where
15 Stanbro was seated and asked what happened,
16 and he proceeded to assist to remove
17 Stanbro from the vehicle.

18 Q. Now, did Pagliaro come out with
19 a wheelchair or a Stryker chair?

20 A. I believe it's a Stryker chair,
21 correct.

22 Q. Did Pagliaro come out along or
23 was somebody with him?

24 A. One of the escort officers, so
25 yeah. He came out with someone else.

1 E. TORRES

2 Q. Now, when you say "escort
3 officers," you don't mean one of the
4 transportation officers, correct?

5 A. Correct.

6 Q. Do you recall who the escort
7 officer was who Pagliaro was with?

8 A. I don't recall which one of the
9 officers it was, no.

10 Q. Okay. Did Mr. Stanbro respond
11 to Pagliaro's question about what happened?

12 A. I don't remember.

13 Q. Did you see Mr. Stanbro react
14 in any manner in response to Pagliaro's
15 question of him as to what happened?

16 MS. COLLINS: Objection as to
17 form, but you can answer.

18 A. I don't remember, no. I don't
19 remember him saying anything.

20 Q. What happened next after
21 Pagliaro questioned Mr. Stanbro as to what
22 happened?

23 A. Pagliaro proceeded to assist
24 Mr. Stanbro out of the vehicle and place
25 him in the Stryker chair.

1 E. TORRES

2 to step down from the vehicle, yes, so it
3 is -- you know, the officer should assist
4 the inmate in stepping out of the vehicle.

5 Q. When Mr. Stanbro was placed
6 into the Stryker chair, did you believe he
7 was physically injured at that point?

8 A. I believe that -- no.

9 Q. Did you have an opinion as to
10 why he was being placed in a Stryker chair?

11 A. His statement of saying "my
12 neck." I don't know what happened. When
13 somebody says "my neck," you know, I don't
14 touch him. I don't move him. I let
15 medical handle that, especially I wasn't
16 aware exactly of what had happened.

17 Q. Before Mr. Stanbro was taken
18 from the van, placed in the Stryker chair,
19 and wheeled into the RMU, did you make any
20 type of inquiry of anyone as to the details
21 of what happened during this use of force
22 incident?

23 A. I don't remember if I did. I
24 really don't.

25 Q. Did you overhear Nurse Pagliaro

1 E. TORRES

2 at page one and two. Have you ever seen
3 these photographs before just now?

4 A. Yes.

5 Q. When is the last time you saw
6 these photographs?

7 A. It's been a while. I think I
8 took those photographs.

9 Q. Okay. That was going to be one
10 of my questions. So you took the
11 photographs that are identified as
12 Plaintiff's Exhibit 23?

13 A. Yes.

14 Q. What do those photographs
15 depict?

16 A. Him in the Stryker chair.

17 Q. Is that -- are these
18 photographs taken in the emergency room
19 where Mr. Stanbro was taken?

20 A. Yes.

21 Q. At the RMU, correct?

22 A. Correct.

23 Q. Do these photographs fairly and
24 accurately depict the position that Mr.
25 Stanbro was in that chair when you saw

1 E. TORRES

2 people were questioning him about what
3 happened inside of the ER?

4 A. Yes.

5 Q. Is it the position that Mr.
6 Stanbro was in when he was wheeled into the
7 RMU in the Stryker chair?

8 A. I remember him sitting more
9 upright than in that position he is in in
10 that photograph.

11 Q. When you say "more upright,"
12 were his feet ever off the ground when you
13 saw him in the Stryker chair?

14 A. I don't remember his -- I do
15 remember him, his buttocks seated in the
16 actual seat.

17 Q. When did you see his buttocks
18 seated in the actual seat of the Stryker
19 chair?

20 A. As he was being transported
21 into the emergency room.

22 Q. As he was being transported
23 into the emergency room of the RMU, was his
24 head in the same position as is depicted in
25 the photographs marked Exhibit 23?

1 E. TORRES

2 A. I don't remember his position.

3 Q. Do you remember Mr. Stanbro's
4 head being in any position other than the
5 position depicted in the photographs marked
6 Exhibit 23 when he was in the Stryker
7 chair?

8 A. No. I think that is the way he
9 was. That is the way he remained while he
10 was in that chair.

11 Q. Other than him being further up
12 in the chair with his buttocks closer to
13 the top portion of the chair, were his legs
14 and arms essentially in the same position
15 for the entire time you saw him in the
16 Stryker chair?

17 A. Yes.

18 Q. Now, when you took these
19 photographs of Mr. Stanbro, were his eyes
20 open or were they closed?

21 A. I don't remember. They look to
22 be open from what I can see in the
23 photograph. I don't remember at the time.

24 Q. Did you take any photographs of
25 Mr. Stanbro other than those four

1 E. TORRES

2 photographs?

3 A. I don't remember. I think that
4 was it. I think that was it.

5 Q. Did you see anyone else take
6 any photographs of Mr. Stanbro other than
7 the four photographs marked as Exhibit 23?

8 A. No.

9 Q. Have you ever seen any
10 photographs of Mr. Stanbro in the Stryker
11 chair other than the four photographs
12 marked as Exhibit 23?

13 A. No.

14 Q. What else do you recall
15 happening inside the RMU emergency room
16 besides people questioning Mr. Stanbro and
17 him either not responding or attempting to
18 respond and not being able to do so?

19 A. Well, I remember him sliding
20 out of this chair that he is sitting in
21 onto the floor. And I also remember the
22 nurse, Nurse Pagliaro, doing an examination
23 while he was on the floor. And the only
24 thing I remember from that is I remember
25 him using a tool to like run it across the

1 E. TORRES

2 bottom of his foot, I guess to see if he
3 would get a response from him. I remember
4 that. And after that, I remember, again,
5 medical staff in and out. I think I
6 remember -- I also remember the captain
7 coming in and saying a few things briefly
8 asking a few questions, and then him
9 leaving. And shortly thereafter, the
10 medics or the ambulance came to pick him up
11 to transport him.

12 Q. Did you remain in the RMU for
13 the entire time between when Mr. Stanbro
14 was brought there and the time he was taken
15 away by medics?

16 A. In the building, yes.

17 Q. Did you remain in that same
18 room where Mr. Stanbro was?

19 A. I don't remember if I left.
20 There is a possibility that I could have
21 stepped out. I don't remember.

22 Q. Putting aside the possibility
23 that you may have stepped out, do you
24 recall leaving the room into which Mr.
25 Stanbro was taken in the RMU at any point

1 E. TORRES

2 between the time he was first brought into
3 there and the time he was taken away by
4 medics?

5 A. I don't remember.

6 Q. Now, tell me about this
7 incident where he slid out of the chair.
8 Who else was in the room at that time
9 besides you and Mr. Stanbro?

10 A. There was an officer in the
11 room. There was a correction officer.

12 Q. Who was the correction officer?

13 A. Denbaum, Officer Denbaum.

14 Q. I think we have his name. Can
15 you spell his name?

16 A. D-E-N-B-A-U-M.

17 Q. What is his first name?

18 A. I don't know his first name.

19 Q. Is he still employed at
20 Fishkill?

21 A. Yes.

22 Q. And what did he look like back
23 in August of 2018?

24 A. White male, I would say early
25 20s. Short, black, dark hair. I would say

1 E. TORRES

2 maybe 190 pounds, 185 pounds, slim maybe
3 5'9", 5'10".

4 Q. Okay. Besides you and Officer
5 Denbaum, who else was present inside of
6 that room when you saw Mr. Stanbro slide
7 out of the Stryker chair?

8 A. I don't recall anybody else
9 being in there.

10 Q. Do you believe it was just you
11 and Officer Denbaum in the room at that
12 time?

13 A. To my recollection, yeah. Yes.

14 Q. Now, were there any type of
15 straps on that Stryker chair? Is it
16 equipped with any type of straps?

17 A. Yes. Stryker chairs have
18 straps.

19 Q. How many sets of straps?

20 A. I would be taking a guess, but
21 there is one for the ankles, one for the
22 waist, and I believe there is one on the
23 upper-back area. I'm not 100 percent sure
24 on how many total.

25 Q. At any point, did you see any

1 E. TORRES

2 of those straps around Mr. Stanbro while he
3 was in the Stryker chair?

4 A. I don't remember.

5 Q. Well, were the straps applied
6 before he was wheeled into the RMU?

7 A. Yeah.

8 Q. Okay.

9 A. Yes. He was secured in the
10 Stryker chair.

11 Q. That would be standard
12 operating procedure?

13 A. Correct.

14 Q. Once he was brought in the RMU,
15 were the straps removed?

16 A. I don't remember.

17 Q. Do you know any reason why the
18 straps would be removed once he was inside
19 of the RMU?

20 A. For medical assessment.

21 Q. Any other reason?

22 A. I mean, maybe to be -- not just
23 Mr. Stanbro, but anybody else to need to be
24 moved out of the chair, maybe into a bed
25 into another position, or did -- but yes, I

1 E. TORRES

2 could see them, yeah.

3 Q. Any other reason?

4 A. I can't think of anything.

5 Q. Did Mr. Stanbro complain of
6 pain at all when he was in the RMU?

7 A. I don't remember.

8 Q. Did Mr. Stanbro express any
9 discomfort with the straps when he was in
10 the RMU?

11 A. I don't remember.

12 Q. Did he ask anyone to take off
13 the straps?

14 A. I don't remember that.

15 Q. So where specifically were you
16 in the RMU when you saw Mr. Stanbro slide
17 out of the chair?

18 A. I probably stepped out of the
19 room a couple times, maybe to peek my head
20 out of the emergency room. But I remember
21 there being a privacy screen that we use,
22 so that anybody that walks by the door
23 can't see what is going on inside, just to
24 protect the privacy of the inmate. But I
25 remember the privacy screen being up, and I

1 E. TORRES

2 was on the other side of the privacy
3 screen. And I stepped out, looked outside,
4 or did something by the door, and as I
5 returned back toward the other side of the
6 privacy screen is when I saw him sliding
7 slowly out of the chair and the officer
8 that was standing on the opposite side of
9 the room went to grab, you know, to help
10 him secure him. And he just slid and
11 guided him to the floor right over the
12 chair.

13 Q. I'm sorry. Are you saying the
14 officer guided Stanbro out of the chair?

15 A. Yes.

16 Q. This is Officer Denbaum?

17 A. Correct.

18 Q. How much time elapse between
19 the point you say Mr. Stanbro beginning to
20 slide out of the chair and the point the
21 that Officer Denbaum began to physically
22 guide Mr. Stanbro out of the chair?

23 A. It was like slow motion,
24 really. From the time I saw him sliding,
25 it was almost at the same time that I saw

1 E. TORRES

2 the officer move toward the inmate's
3 direction. And it just became like a slow
4 side out of the car, and he sort of just
5 guided him out of the car and laid him on
6 the ground. What did that take?
7 40 seconds.

8 Q. Did you assist at all while Mr.
9 Stanbro was sliding out of the chair?

10 A. I don't believe I did, no.

11 Q. When Mr. Stanbro eventually got
12 to the ground, in what position was he in?

13 A. He was lying on his back.

14 Q. Okay. Back of his head against
15 the ground?

16 A. Yes.

17 Q. Locking straight up? Flat on
18 his back looking straight up; is that
19 correct?

20 A. Yes.

21 Q. And were his legs and his arms
22 essentially in the same position as they
23 were as depicted in the photographs when he
24 was in the Stryker chair? You know, his
25 arms by his side and legs fully extended?

1 E. TORRES

2 A. Yes.

3 Q. Now, did you form an opinion as
4 to why when Mr. Stanbro was sliding down
5 the Stryker chair and Officer Denbaum had
6 ahold of him, why Officer Denbaum didn't
7 just pull him back up into the chair?

8 MS. COLLINS: Objection. You
9 can answer.

10 A. I believe that from what I
11 observed, that he did the right thing
12 because trying to pull him back would have
13 probably created -- would have been
14 difficult for him to do.

15 Q. Now, did you document anywhere
16 that Officer Denbaum or any other
17 individual assisted Mr. Stanbro during his
18 slide from the Stryker chair to the ground?

19 A. I don't remember if I did.

20 Q. Then, you said that at some
21 point while he was on the ground Nurse
22 Pagliaro conducted an exam of Mr. Stanbro,
23 correct?

24 A. Yes.

25 Q. And you said that exam included

1 E. TORRES

2 using a tool on the bottom of his foot,
3 correct?

4 A. I remember that specific -- I
5 remember him doing that specifically, yes.

6 Q. What was the tool that he used?

7 A. I don't know what he used.

8 Q. Well, what did it look like?

9 A. I don't remember.

10 Q. Did you see how Mr. Stanbro
11 responded, if at all, to that tool being
12 applied to bottom of his foot?

13 A. I don't.

14 Q. Now, was Nurse Pagliaro in the
15 room when Mr. Stanbro was sliding down to
16 the floor?

17 MS. COLLINS: Objection, but
18 you can answer.

19 A. No.

20 Q. And when Pagliaro entered the
21 room, did he ask you, or Denbaum, or anyone
22 else how did this guy get down on the
23 floor?

24 A. I'm sure he did, but I don't
25 remember if he did. But I know when the

1 E. TORRES

2 nurses and the staff walked back in and saw
3 him on the ground, they were like, what
4 happened, and we explained he slid off the
5 chair.

6 Q. You explained this to Nurse
7 Pagliaro and the other staff members?

8 A. Yes. People were there. When
9 they walked in and saw, I remember having
10 to say yeah, he slid out of the chair. I
11 don't remember specifically to who, but I
12 do recall Pagliaro, after he was on the
13 ground, conducting that exam on the bottom
14 of the foot.

15 Q. In addition to telling Pagliaro
16 and the other staff members that Mr.
17 Stanbro slid out of the chair, did you or
18 anyone else tell Pagliaro or any other
19 staff members that Officer Denbaum assisted
20 Mr. Stanbro when he slid down out of the
21 Stryker chair?

22 A. I don't know if I did.

23 Q. Now, you say a captain then
24 entered and asked some questions, correct?

25 A. Yes.

1 E. TORRES

2 Q. What is that captain's name?

3 A. Captain Washer.

4 Q. Is he still employed at
5 Fishkill?

6 A. Yes.

7 Q. Describe what he looks like or
8 looked like back then.

9 A. White male, short, dark brown
10 comb-over, 5'9' in height.

11 Q. What questions did Captain
12 Washer ask when he entered the room?

13 A. I don't remember exactly.

14 Q. How about in a general sense?

15 A. You know, Captain Washer is a
16 very soft-spoken captain. He always speaks
17 very low, and I guess I was not really
18 right in the close proximity. I may have
19 been a further distance, maybe by the door.
20 Maybe even behind the privacy screen, but I
21 did remember the captain going in there and
22 trying to talk to him while he was on the
23 ground.

24 Q. Did Mr. Stanbro respond to
25 Captain Washer in any manner?

1 E. TORRES

2 A. I don't remember him
3 responding.

4 Q. Now, the exam you say Nurse
5 Pagliaro conducted of Mr. Stanbro while
6 Stanbro was on the floor, what else did you
7 observe about that exam other than him
8 using a tool on the bottom of Mr. Stanbro's
9 foot?

10 A. That just sticks out. That is
11 the only thing I really remember when he
12 was on the ground I remember the nurse
13 doing. Other than that, I don't remember
14 anything physically, anything else that was
15 done to him.

16 Q. Did you ever see a nurse use
17 any type of a needle or sharp object to try
18 and test Mr. Stanbro's response to pain?

19 A. I don't remember that.

20 Q. How long -- strike that. After
21 Mr. Stanbro was on the ground after sliding
22 out of the Stryker chair, did he remain on
23 the ground the entire time until he was
24 taken away by medics?

25 A. I'm going to say yes.

1 E. TORRES

2 Q. Well, do you remember ever
3 seeing Mr. Stanbro in any other position
4 after he slid out of the Stryker chair onto
5 the ground before he was taken away by the
6 medics?

7 A. I don't.

8 Q. Did you notice any movement at
9 all from Mr. Stanbro while he was lying
10 flat on the ground?

11 A. Yes.

12 Q. What movement did you notice?

13 A. I remember him moving his arms.
14 His legs were moving. I do remember that
15 movement. I do remember him moving while
16 he was on the ground. And I don't know who
17 I said it to, it might have been the
18 officer that was there, but I remember
19 saying he's moving. And I remember other
20 staff coming in and observing the same.
21 But he did move his arms and his legs while
22 he was lying on the ground.

23 Q. While he was lying on the
24 ground and, as you say, moving his arms and
25 legs, was his body still in the same

1 E. TORRES

2 some point after Mr. Stanbro was taken away
3 you had a further conversation with Officer
4 Deal about what had happened back at
5 Westchester; is that correct?

6 A. I don't remember if it was
7 right after. I don't remember that.

8 Q. Regardless of when it was --
9 regardless of when it was, did there come a
10 time when you had a conversation with
11 Officer Deal about what had happened back
12 at Westchester Medical Center?

13 A. No.

14 Q. You never spoke to him about
15 what happened?

16 A. After this was reported to me,
17 and after I received their reports, there
18 really wasn't any other conversation about
19 what happened.

20 Q. Now, let's back up. Did
21 Officer Deal ever tell you about what
22 happened back at Westchester Medical
23 Center?

24 A. Yes.

25 Q. Okay. As best as you can

1 E. TORRES

2 recall, when did that conversation take
3 place?

4 A. I can't remember. I remember
5 him telling me briefly and then being
6 directed to put it on paper. That was...

7 Q. Okay. What did he tell you
8 during this brief conversation before he
9 was directed to put it on paper?

10 A. I remember him saying Stanbro
11 kicked him in the stomach and he was not
12 very -- he did not give me a lot of detail,
13 a lot of information.

14 Q. Where did that conversation
15 take place?

16 A. I don't remember.

17 Q. Other than telling you that Mr.
18 Stanbro kicked him in the stomach, did Deal
19 tell you anything else about what happened
20 during that first discussion you had with
21 him?

22 A. Specifically, no. I don't -- I
23 remember him just being really brief in his
24 verbal conversation.

25 Q. When Deal told you that Mr.

1 E. TORRES

2 Stanbro kicked him in the stomach during
3 this brief conversation, was Palou also
4 there at that time? Meaning, was it a
5 conversation among the three of you?

6 A. No. I don't remember speaking
7 to them, no.

8 Q. Did you ever again have a
9 conversation with Deal about what happened
10 after that initial brief conversation when
11 he told you just that Mr. Stanbro had
12 kicked him in the stomach?

13 A. No.

14 Q. Okay. Did you ever speak to
15 Officer Palou about what happened at
16 Westchester Medical Center?

17 A. I can't remember if I had a
18 conversation with her.

19 Q. Did you ever have a
20 conversation with anyone about what
21 happened at Westchester Medical Center
22 other than that brief conversation that you
23 had with Officer Deal where he told you
24 that Mr. Stanbro had kicked him?

25 A. I can't remember having a

1 E. TORRES

2 conversation with anybody else. I don't
3 remember.

4 Q. I am going to show you some
5 Exhibits. Sergeant, do you see the
6 document marked Exhibit 27 titled employee
7 accident/injury report?

8 A. Yes.

9 Q. Did you fill out any portion of
10 this report or write anything on this
11 report?

12 A. Yes.

13 Q. What portion of the report is
14 in your handwriting?

15 A. It says -- it's hard to read.
16 Supervisor, name on the bottom, and
17 statement of supervisor, 16, and 17, and
18 then my signature and the date.

19 Q. Okay. So 16, next to where the
20 words were printed "as reported to me."
21 You wrote that?

22 A. Correct.

23 Q. And then you wrote your name
24 underneath and signed it next to that; is
25 that correct?

1 E. TORRES

2 A. Yes.

3 Q. Anything else you wrote on that
4 report?

5 A. No.

6 Q. Now, going to item 10.

7 A. Okay.

8 Q. Do you see where it says
9 "employee remained on duty" and check off
10 of "yes?"

11 A. Yes.

12 Q. Did you check that off?

13 A. No.

14 Q. Next to that 11, where it says
15 "employee required medical attention" and
16 checked off "no." Do you see that?

17 A. Yes. I see that.

18 Q. Did you check that off?

19 A. No.

20 Q. Exhibit 30 is a three-page
21 report. Is this a use of force report that
22 you filled out, Sergeant?

23 A. Yes.

24 Q. Now, why did you fill out a use
25 of force report?

1 E. TORRES

2 A. The incident was reported to
3 me.

4 Q. Okay. As a supervisor, were
5 you required to fill out this report?

6 A. Yes.

7 Q. Now, going to page one of the
8 report, where it says, "on the above date
9 and approximate time, it was reported to me
10 an inmate, Mr. Stanbro..." and then you go
11 on. By whom was that reported to you?

12 A. This with specifically -- these
13 are different, so it depends on whose it
14 was here. This one is -- this is the
15 general summary of the incident, so when we
16 say "it was reported to me," it's the
17 summarizing of what both officers have
18 reported in writing.

19 Q. This is what Deal and Palou
20 were reporting to you, correct?

21 A. Correct.

22 Q. Let's go to page two and the
23 typewritten portion where it says,
24 "describe in detail the actual force used."
25 Do you see that section?

1 E. TORRES

2 anyone ever tell you that Mr. Stanbro,
3 other than that incident where he stood up
4 and attempted to strike someone, that Mr.
5 Stanbro fell out of the dental chair, or
6 threw himself to the floor from the dental
7 chair, or rolled out of the dental chair
8 onto the ground?

9 MS. COLLINS: Objection. You
10 can answer.

11 A. I don't recall that
12 specifically.

13 Q. Do you recall it in a general
14 sense?

15 A. Rolled out, fell out, no.

16 Q. Okay. Is this the first you
17 are hearing about that?

18 MS. COLLINS: Objection. You
19 can answer.

20 A. Yes.

21 Q. Okay. Now, the mention of the
22 video in the revised memorandum, what video
23 were you talking about there?

24 A. Video regarding of transport is
25 the actual handheld videocamera. I could

1 E. TORRES

2 have been more specific there.

3 Q. That's okay.

4 A. Yeah. Handheld videocamera was
5 authorized by, honestly, to tell you, I
6 don't know who. Maybe it was coming from
7 the higher-ups because there was a serious
8 use of force or a of use of force on the
9 outside, the inmate was combative, as
10 reported, and assaulted -- they require the
11 transport thereafter to be recorded and
12 transported with the escort of a
13 supervisor.

14 Q. Now, when you say "the
15 transport," are you talking about the
16 transport from the location where the use
17 of force took place or some other
18 transport?

19 A. This specifically is from the
20 transport of the facility of the RMU.

21 Q. Okay. So the transport
22 bringing Mr. Stanbro out of the RMU by the
23 medics to the hospital, correct?

24 A. Correct.

25 Q. And what is your understanding

1 E. TORRES

2 as to the nature of that video? What
3 portion was videotaped?

4 A. The recording should start when
5 they're in route or moving with the inmate.
6 As soon as they start to move with the
7 inmate, the recorder is supposed to come
8 on.

9 Q. When you say "as soon as they
10 start to move with the inmate," do you mean
11 as soon as EMS takes possession of the
12 inmate?

13 A. As they start to move with the
14 inmate, so anywhere that he is moved out of
15 the area, I don't recall if they started
16 recording immediately after they left the
17 emergency room or if they started recording
18 when they got outside to the front door. I
19 don't remember what point, but I do
20 understand that the recording is supposed
21 to commence once the intimate is in
22 transport.

23 Q. Okay. I am just trying to nail
24 down what you mean by "in transport." So
25 medics did come inside of the RMU, correct?

1 E. TORRES

2 A. Yes.

3 Q. And they took possession of Mr.
4 Stanbro inside of the RMU, correct?

5 A. Yes.

6 Q. They placed him on a gurney or
7 a stretcher in the RMU; is that correct?

8 A. Yes.

9 Q. And then they transported him
10 from inside of the RMU into their vehicle;
11 is that correct?

12 A. Yes.

13 Q. What is your understanding as
14 standard procedure as to when the videotape
15 is supposed to start?

16 MS. COLLINS: Objection. You
17 can answer.

18 A. I understand -- it's as they
19 begin to move the inmate, as they begin the
20 transport as it becomes mobile, as they
21 start to move physically from area.

22 Q. So are you saying as they begin
23 to move the inmate from floor up into the
24 stretcher or something else?

25 A. Something else. As they move

1 E. TORRES

2 from on the stretcher mobiley [sic] moving
3 him from that point out of the emergency
4 room area, from that point on the recording
5 is supposed to start.

6 Q. So once Mr. Stanbro is in the
7 stretcher, on the stretcher inside of RMU
8 and the EMS personnel begin to transport
9 him outside of the RMU, that is when the
10 videotape is supposed to start, correct?

11 A. If he starts to move right out
12 of the emergency room, they should start
13 recording.

14 Q. At the point that they are
15 transporting him, they are actually pushing
16 or pulling that stretcher and he is in the
17 stretcher, is that the point that the
18 videotape is supposed to start, yes or no?

19 MS. COLLINS: Objection.

20 A. Yes.

21 Q. And did you see anyone do a
22 handheld videotape of Mr. Stanbro that day?

23 A. I don't -- I remember the
24 officers, I honestly don't remember what
25 point, at what point they started to

1 E. TORRES

2 record.

3 Q. But do you remember that at
4 some point they started to record?

5 A. I honestly don't remember them
6 starting to record. I do remember that it
7 was required. I don't remember at what
8 point they started.

9 Q. And as a matter of normal
10 procedure, when does the videotape end?
11 When do they stop videotaping?

12 MS. COLLINS: Objection. You
13 can answer.

14 A. I'm not sure.

15 Q. Well, let me ask you this, did
16 an officer or officers accompany Mr.
17 Stanbro from the RMU to Saint Luke's with
18 the EMS personnel?

19 A. Yes.

20 Q. That's standard procedure,
21 correct?

22 A. Yes.

23 Q. And would at least one officer
24 ride in the ambulance or the other EMS
25 vehicle with Mr. Stanbro?

1 E. TORRES

2 A. Yes.

3 Q. And would the videotape
4 continue in route to the hospital?

5 A. Yes.

6 Q. Would it continue at any point
7 after the ambulance arrives at the
8 hospital?

9 A. I'm not quite sure if they --
10 I'm trying to think. I have never actually
11 transported to a hospital. I have
12 transported to facilities, to correctional
13 facilities. I've never transported to a
14 hospital, so I really don't know what they
15 did or when they stopped.

16 Q. Okay.

17 A. I really don't know. I mean,
18 that is a good question for me to question.

19 Q. On those occasions when you
20 have transported an inmate from a use of
21 force incident to another facility and it's
22 been videotaped, when does the videotape
23 typically end? Is it when the inmate is
24 physically delivered into the new facility?

25 A. Most occasions, yes. Most

1 E. TORRES

2 times, sometimes, you are not even -- you
3 won't even go into the facility. You drop
4 them off right outside of the gate, and
5 then they will take the inmate in. You are
6 not going to record going into the
7 facility. Most of the time, inmates that
8 are being recorded are in the special
9 housing unit, so everything is already on
10 camera.

11 Q. That's fine. Have you ever
12 seen the videotape that was taken of Mr.
13 Stanbro on that day?

14 A. No.

15 Q. Do you know if that videotape
16 still exists?

17 A. I don't.

18 Q. Do you know what the practice
19 and procedure was at Fishkill back in 2018
20 regarding the preservation of those types
21 of videotapes after use of force incident?

22 A. It becomes part of the use of
23 force package. It should have been
24 returned to watch commander's office and be
25 made a part of the whole incident.

1 E. TORRES

2 Q. And if there's an investigation
3 ongoing, the videotape is preserved at
4 least until the conclusion of the
5 investigation; is that correct?

6 MS. COLLINS: Objection.

7 A. Yes. It should be available,
8 yes.

9 MR. SIVIN: Okay. Thank you.
10 I don't have any questions.

11 MS. COLLINS: Does anyone else
12 want to inquire?

13 MR. HEINZE: I have a couple of
14 questions.

15 MS. COLLINS: Go ahead, Mark.

16 EXAMINATION BY

17 MR. HEINZE

18 Q. My name is Mark Heinze. I
19 represent Raymond Deal. How are you?

20 A. Good. Hi. How are you?

21 Q. Same instructions you heard
22 before apply to my questions as well. I
23 just want to clear up a couple of things,
24 so I will be jumping around a little bit.
25 Were you assigned as the supervisor for

1 E. TORRES

2 this use of force incident?

3 A. Yes.

4 Q. And maybe you said this, but
5 who gave you that assignment?

6 A. I was the building sergeant, so
7 it was reported to me, so the incident was
8 reported to me by the officers. I am the
9 RMU sergeant, so the incident becomes my
10 report.

11 Q. So that was just automatic
12 because you were the sergeant on duty at
13 the RMU?

14 A. Correct.

15 Q. Was this still your case?

16 MS. COLLINS: Objection. You
17 can answer.

18 Q. Well, are you still the
19 supervisor on this use of force?

20 MS. COLLINS: Objection. You
21 can answer.

22 A. Well, I am still here. Being
23 in this deposition, I'm a part of it. My
24 name is on that paperwork forever, yeah.

25 Q. I was not trying to be cleaver.

1 E. TORRES

2 I was just asking did somebody take it over
3 for you. Maybe I should just ask you, did
4 somebody take it over for you?

5 A. No.

6 Q. Is any physical contact between
7 a correction officer and an inmate
8 considered a use of force?

9 A. Is any physical -- no.

10 Q. Let's say you are escorting an
11 inmate into court or something, and they
12 trip and fall, and you pick them up off the
13 ground; is that a use of force?

14 A. No.

15 Q. What about when they just had
16 an accident on their own, like in their
17 cell or out in the common areas or
18 whatever, and you helped them in some way;
19 is that a use of force?

20 A. No, no.

21 Q. Do you know if you are under
22 directive 4944, or just generally, is there
23 some mechanism to request that a C.O.
24 supplement any reports that they have
25 given?

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E. TORRES

Q. Hi, good evening, really. My name is Claudine Weis. I'm an attorney for Westchester Medical Center and Resident Dr. Full. Do you recall having any conversations with anyone from Westchester Medical Center concerning Mr. Stanbro?

A. No.

Q. When Mr. Stanbro was in the emergency room in the medical unit, do you recall him yelling, or screaming, or calling out?

A. No.

MS. WEIS: I have no other questions. Thank you.

(Whereupon, at 5:30 P.M., the Examination of this witness was concluded.)

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E. TORRES

C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF ORANGE)

I, VICTORIA CHUMAS, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 24th day of March 2021.



VICTORIA CHUMAS